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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,338	12/15/2000	Steven Michael French	AUS9-2000-0458-US1	9179
35525	7590	02/01/2005	EXAMINER	
IBM CORP (YA)			VU, THONG H	
C/O YEE & ASSOCIATES PC				
P.O. BOX 802333			ART UNIT	
DALLAS, TX 75380			PAPER NUMBER	
			2142	

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/737,338

**Applicant(s)**

FRENCH ET AL.

**Examiner**

Thong H Vu

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Claims 1-21 are canceled. New claims 22-38 are pending. The Final Office action is appropriate.

2. The amend specification paragraph 2 on page 11 and paragraph 2-5 on page 15 are entered to the record.

### ***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 22-38 are rejected under the judicially created doctrine of double patenting over claims 1-52 of U. S. Patent No. 6,826,591 B2 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

(‘591) 18. A computer program product in a computer readable media for use in a data processing system for managing result information in a multi-node networked data processing system, the computer program product comprising:

first instructions for receiving, at a first node, first results of execution from a task executed on a second node in the networked data processing system, wherein the first results comprise an array of result messages;

second instructions for modifying, at the first node, at least one of the result messages to create second results, wherein the second results comprise a second array of result messages including the modified result message(s);

third instructions for receiving, at a third node, the second results;

fourth instructions for modifying, at the third node, at least one of the second result messages to create third results, wherein the third results comprise a third array of result messages including the modified second result message(s);

fifth instructions for sending the third results to a requesting client node.

(claim 27) the message unique identifier;

(claim 33) modifying the set of log messages comprises translating at least one of the log entries in the set of log entries from a first language into a primary language of the requesting client node if the first language is different from the primary language of the requesting client node.

(Application) 28. A computer program product in a computer readable medium for managing results in a locale independent manner in a multi-node networked data processing system, the computer program product comprising:

first instructions at a first node that receive a task to be performed sent from a client node connected with the first node, wherein the client node has a language of a first locale associated therewith and the task includes an identifier of the language of the first locale;

second instructions at the first node that parcel the task into a plurality of sub-tasks that each may be independently executed, wherein the plurality of sub-tasks include a first sub-task;

third instructions that convey the first sub-task having the identifier of the first locale to a second node connected with the first node for processing of the first sub-task, wherein the second node has a language of a second locale associated therewith that is different than the language of the first locale;

fourth instructions that, responsive to receiving by the first node a first message resulting from completion of the first sub-task, translate at the first node the first message into the language of the first locale;

fifth instructions at the first node that consolidate the first message and at least one message resulting from completion of a second sub-task processed by a third node into a results message; and

sixth instructions that send the results message to the client node.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-38 are rejected under 35 U.S.C. § 103 as being unpatentable over Martin [6,704,743 B1] in view of Sokolov [6,823,504 B1].

As per claim 34, Martin discloses a network of data processing systems for managing results of a distributed application in a locale independent manner [Martin, network computer system, Fig 1, col 9 lines 10-34; distributed applications are typically independent, col 43 lines 28-37], the network comprising:

a client node that generates a task to be performed, wherein the client node has a language of a first locale associated therewith and the task includes an identifier of the language of the first locale [Martin, a task object includes a method ID that identifies the associated instance method for such object, col 39 lines 15-40, seq];

a first node connected with the client node that receives the task from the client node and parcels the task into a plurality of sub-tasks that each may be independently

executed, wherein the plurality of sub-tasks include a first sub-task [Martin, any sub-tasks, col 39 lines 57-65, seq]; and

However Martin does not detail a second node connected with the first node that receives the first sub-task having the identifier of the first locale and, wherein the second node has a language of a second locale associated therewith that is different than the language of the first locale, and wherein the second node, responsive to receiving and completing the first sub-task, sends, to the first node, a first message in a language of a second locale that is different than the language of the first locale, and the second node, responsive to receiving the first message translates the first message into the language of the first locale, wherein the first node consolidates the first message and at least one message resulting from completion of a second sub-task of the plurality of sub-tasks into a results message and sends the results message to the client node.

In the same endeavor, Sokolov discloses a method and apparatus for interfacing a javascript interpreter with library of host objects implemented in Java wherein a plurality of program objects and accessible to processes executing within the device through an object library interface; wherein an object library comprising the first process is executable within the device to detect one or more script language instructions in a document; and pass execution to the second process in response to said detecting; wherein the second process is executable within the device to: generate a platform-independent programming language representation of the detected one or more script language instructions, wherein the platform-independent programming language representation of the one or more script language instructions is different from

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the script language; and interpret and execute each of one or more instructions of the platform-independent programming language representation [Solkolov, col 32 lines 30-65].

Therefore, it would have been obvious to an ordinary skill in the art at the time of the invention was made to incorporate the technique of using a platform-independent programming language to distributed the first process and second process (or sub-task) to the first and second node that is different script language as taught by Sokolov into the Martin's apparatus in order to utilize the independent distributed applications. Doing so would provide a dynamic, faster and efficient to enable the use of independent implementations of the interpreter on the network such as Internet.

As per claim 35, Martin-Sokolov disclose the at least one message is in a language of a third locale that is different than the language of the first locale [Solkolov, the one or more script language instructions is different from the script language, col 32 lines 30-65].

4. As per claim 36, Martin-Sokolov disclose the first node conveys the second sub-task and the identifier to a third node connected with the first node that, responsive to completion of the second sub-task, returns the at least one message to the first node [Martin, a task object includes a method ID that identifies the associated instance method for such object, col 39 lines 15-40, seq].

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5. As per claim 37, Martin-Sokolov disclose the at least one message is in a language of a third locale that is different than the language of the first locale, and wherein the first node, responsive to receiving the at least one message from the third node, translates the at least one message into the language of the first locale [Solkolov, the one or more script language instructions is different from the script language, interpret and execute each of one or more instructions of the platform-independent programming language representation, col 32 lines 30-65].

6. As per claim 38, Martin-Sokolov disclose the first node consolidates the first message and the at least one message by inserting into the results message the first message translated into the language of the first locale, and inserting into the results message the at least one message translated into the language of the first locale [Solkolov, interpret and execute each of one or more instructions of the platform-independent programming language representation, col 32 lines 30-65].

7. As per claim 39, Martin-Sokolov disclose the first node consolidates the first message and the at least one message by inserting into the results message the first message translated into the language of the first locale, and inserting into the results message the at least one message in a language of a third locale of the third node that is different than the language of the first locale.



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8. Claims 22-27 and 28-33 contain the similar limitations set forth of apparatus claims 34-39. Therefore claims 22-33 are rejected for the same rationale set forth claims 34-39.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

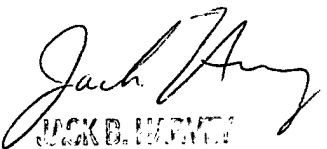
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (571) 272-3896. The fax number for the organization where this application or proceeding is assigned is 703-872-9306

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Thong Vu*  
**Patent Examiner**  
**Art Unit 2142**

  
**JACK B. HARVEY**  
**SUPERVISOR, PATENT EXAMINER**